

REMARKS

Claims 1-9, 11, 12 and 15-26 have been examined. Claims 1, 2, 8, 9, 12, 15 and 24 have been amended. Claims 3-7 and 26 have been canceled. Reconsideration of the claims, as amended, is respectfully requested.

Claim Objections

Claims 1, 8 and 9 have been objected to for various formalities. Claim 1 has been amended to change “extension” to “external.” Claim 8 has been amended to change “a” to “at.” Claim 9 has been amended to change “least horizontal:” to “at least one horizontal.” Hence, the objections are overcome.

Drawings

With the cancellation of claim 26, the drawing objection is rendered moot. Hence, no new drawings are being submitted.

Claim Rejections - 35 U.S.C. § 102

Claims 15, 16, 18 and 21-23 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sailor (U.S. Patent No. 3,893,273). Withdrawal of the rejection is respectfully requested for the following reasons.

Sailor discloses a door having a front sheet panel 12, a rear sheet panel 14, and a frame 16 interposed between the sheet panels. The frame includes a vertical member 18 having a longitudinal slotted opening 24 formed therein to accommodate tensioning means rod 30 which is adapted to cause front panel 12 to be bowed outwardly or form a convex configuration to which frame 16 and rear panel 14 conform. See column 3, lines 9-13.

Claim 15 has been amended to clearly point out that the internal frame is rigid, i.e., it will not warp or otherwise lose its dimensional integrity. See, for example, paragraph [0009] of the present application for support. Claim 15 is, therefore, distinguished over Sailor,

which teaches a structure that permits the internal frame to be bowed. In addition, Sailor does not teach an internal frame with tubular members that have continuous outer walls that define an open interior. In contrast to a tubular member, which by definition has an enclosed hollow interior lumen, Sailor teaches that vertical frame member 18 is a U-shaped structure with a slotted opening that exposes its interior so that rod 30 can be inserted therein. Sailor is silent regarding the structure of the remaining members forming frame 16, and nowhere suggests that such members are tubular. Since amended claim 15, and claims 16, 18 and 21-23 dependent thereon, are clearly distinguished over Sailor, withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-9, 11, 12, 17, 19, 20 and 24-26 have been rejected under 35 U.S.C. § 103 as being obvious over Sailor. Withdrawal of the rejection is respectfully requested for the following reasons.

Independent claim 1, and rejected claims 2-9, 11 and 12 dependent thereon, have been amended to specify that the internal frame is rigid and has tubular members with continuous outer walls that define an open interior. Rejected claims 17, 19 and 20 are dependent on claim 15, which has also been amended to specify a rigid internal frame comprising tubular members with continuous outer walls that define an open interior. As discussed above, Sailor teaches away from a rigid internal frame by disclosing an internal frame adapted to be bowed by adjustment means, and does not disclose or suggest tubular frame members. In addition, one skilled in the art would not consider rod 30 of Sailor to be “tubular” because it is not described as having a hollow interior. Furthermore, rod 30 is not a “central” member because it is disposed within the slotted opening 24 of one of the frame members 18.

With particular regard to claim 2, Sailor nowhere describes a central tubular member that is constructed of steel. Hence, claim 2 is distinguishable for this additional reason.

Applicant respectfully traverses the Examiner's assertion that claim 24 embodies "obvious and well known method steps of assembling the door." It is never appropriate for the Examiner to rely solely on common knowledge in the art without evidentiary evidence in the record as the principal evidence on which a rejection is based, particularly a final rejection. See MPEP 2144.03. The steps for making the door are not capable of instant and unquestionable demonstration as being well-known. For example, as set forth in paragraph [0011] of the specification, Applicant contends that it is not well-known or obvious to one skilled in the art to secure the components of the internal frame by fastening them onto the sheathing on both sides rather than by fastening the components to each other prior to door assembly. In light of the above, Applicant respectfully requests that the Examiner withdraw the rejection or produce authority to support her statement in the next Office Action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). However, in order to expedite prosecution, claim 24 has been further amended and is in condition for allowance.

The rejection of claim 26 is rendered moot with the cancellation of claim 26.

Conclusion

It is respectfully submitted that entry of this amendment is proper under 37 CFR 1.116 (b) because all of the claims, if amended as proposed, avoid the rejections set forth in the final Office Action for the reasons set forth above and, therefore, are in condition for allowance, or are placed in better condition for appeal. In addition, entry of this amendment is proper under 37 CFR 1.116 (c) because Sailor, the sole prior art relied upon by the Examiner, is newly cited in the final Office Action. This fact is good and sufficient reason why this amendment is now necessary and was not presented earlier. In light of the above, entry of this amendment and the issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: September 15, 2006

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